

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**FRED L. BILLITER, JR.,**

**Plaintiff,**

**vs.**

**Case No.: 2:19-cv-2550  
JUDGE GEORGE C. SMITH  
Magistrate Judge Jolson**

**OSU WEXNER MEDICAL CENTER, *et al.*,**

**Defendants.**

**ORDER**

On July 2, 2019, the United States Magistrate Judge issued a *Report and Recommendation and Order* recommending that the Plaintiff's Motion for Leave to Proceed in forma Pauperis be granted and that Plaintiff's Complaint be dismissed without prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B). (*See Report and Recommendation and Order*, Doc. 3). The parties were advised of their right to object to the *Report and Recommendation and Order*. This matter is now before the Court on Plaintiff's Objections. (*See* Doc. 4). The Court will consider the matter *de novo*. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3).

In Plaintiff's objections, he continues to explain his medical issues supporting his medical malpractice claim, however, he has failed to address why the Magistrate Judge's rulings should be overruled. The Magistrate Judge concluded that there was no diversity jurisdiction in this case, nor has Plaintiff raised a federal question. Therefore, this Court does not have proper jurisdiction over Plaintiff's claims. Further, the Magistrate Judge concluded that even if the Court had jurisdiction, Plaintiff's claims would be barred by the one-year statute of limitations and his Complaint fails to state a claim upon which relief can be granted.

Therefore, for the reasons stated in detail in the *Report and Recommendation and Order*, this Court finds that Plaintiff's objections are without merit and are hereby **OVERRULED**.

The *Report and Recommendation and Order*, Document 3, is **ADOPTED** and **AFFIRMED**. Plaintiff's Motion for Leave to Proceed in forma Pauperis is **GRANTED**. Plaintiff's Complaint is hereby **DISMISSED** without prejudice.

The Clerk shall remove Documents 3 and 4 from the Court's pending motions list and close this case.

**IT IS SO ORDERED.**

/s/ George C. Smith  
**GEORGE C. SMITH, JUDGE**  
**UNITED STATES DISTRICT COURT**